

E-filed 2/12/08

NOT FOR CITATION
IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

AURELIO MACIEL MATA,

Case No. C07-03915 HRL

Plaintiff,

**CASE MANAGEMENT CONFERENCE
SCHEDULING ORDER**

v.

EDWARD J. ULRICK, et. al.,

Defendants.

Based on the parties' Joint Case Management Statement and the discussion held at the February 12, 2008 Case Management Conference, the court orders as follows:

Plaintiff's time to serve Defendants Edward J. Ulrick (dba Ulrico Services) and Dafoe Company has expired. Fed. R. Civ. P. 4(m). However, because it appears that Plaintiff has been diligent in attempting to serve these parties, they are now **DISMISSED WITHOUT PREJUDICE**. The remaining parties have both consented to have all proceedings in this matter heard and finally adjudicated by the undersigned. 28 U. S.C. 636(c) and FED. R. CIV. P. 73.

The court adopts the parties' statement of disputed factual and legal issues as set forth in the Updated Joint Case Management Statement.

The parties have agreed to the following modifications to the Federal Rules of Civil Procedure: each party is permitted 35 special interrogatories and each party is limited to four non-expert depositions at ten hours per deposition. Otherwise, the presumptive limits on discovery set forth in the Federal Rules shall apply.

The court further adopts the parties' selection of **Mediation** as their form of Alternative Dispute Resolution. The parties shall arrange a Settlement Conference with the chambers of Magistrate Judge Trumbull (to occur just prior to the Pretrial Conference) well in advance of the Conference, if the case has not settled at that time.

The following schedule shall also apply to this case:

Fact Discovery Cutoff June 10, 2008
Last Day for Hearing on Dispositive Motions July 29, 2008 at 10:00 a.m.
Final Pretrial Conference Sept. 9, 2008 at 1:30 p.m.
Trial September 15, 2008

Any motions to compel fact discovery must be filed no later than seven court days after the Fact Discovery Cutoff, and any motions to compel expert discovery must be filed no later than seven court days after the Expert Discovery Cutoff. (See Civ. L.R. 26-2).

Furthermore, the parties shall comply with the court's Standing Order re: Pretrial Preparation with respect to the timing and content of the Joint Pretrial Statement, and other pretrial submissions.¹

IT IS SO ORDERED.

Dated: 2/12/08



HOWARD R. LLOYD
UNITED STATES MAGISTRATE JUDGE

¹ Parties may obtain copies of all of Judge Lloyd's standing orders from the clerk of the court, or from Judge Lloyd's page on the court's website (www.cand.uscourts.gov).

THIS IS TO CERTIFY THAT A COPY OF THIS NOTICE WILL BE SENT TO:

James Dal Bon jdblaw@earthlink.net

Alan Martin Phillips alansmudson@yahoo.com

Dated: 2/12/08

/s/ KRO

Chambers of Magistrate Judge Howard R. Lloyd